

Serial No.10/800,723

Atty. Docket No.: 01-575

REMARKS

Applicants respectively request reconsideration and allowance of this application in view of the following remarks.

Certain portions of the specification have been amended to correct minor typographical errors and to clarify certain terminology. No new matter has been added.

Claims 4-6 have been amended to ensure that all elements recited therein have proper antecedent basis.

The Examiner has rejected claims 1, 4 and 7 under 35 U.S.C. 102(b) as being anticipated by Uekusa. This rejection is respectfully traversed.

Independent claim 1 has been amended to recite *inter alia* an occupant protection device having an electric actuator powered by a battery, and relay control means for bringing a relay to a power supply state (to enable power to be supplied to the electric actuator) *only when* a sensing means senses a high possibility of collision. As discussed, for example, at page 5, lines 10 – page 6, line 5 and as shown in Fig. 3, if a pre-collision signal CS or emergency-braking signal BS is sensed, a relay circuit 34 is turned on at S130, and at S140 a microcomputer 32 sends control signals CLR, CLL to motor driving circuits 31R, 31L to drive motors 21R, 21L to provide suitable tension to respective seat belts when the seatbelts are fastened. Therefore, the relay circuit 34 is turned on to enable power to be supplied to the motor driving circuits 31R, 31L only when a high possibility of collision is detected.

The Examiner asserts that the cited Uekusa reference describes a seatbelt retractor including a relay control means that “inherently” brings the relay 34 to the power supply state only when the sensing means 51 senses a high possibility of collision.

Serial No.10/800,723

Atty. Docket No.: 01-575

Applicants respectfully disagree with this assertion. As stated in the PURPOSE section of the English language PATENT ABSTRACTS OF JAPAN for Uekusa, seat belt retraction remains enabled even after the ignition switch is switched off, as the power source is "held" for a duration of time by a power holding means. The CONSTITUTION section further elaborates on this feature, stating "[t]he CPU 24 sends out a signal to an output port 35 for a certain duration of time after such signal (i.e. an ignition-on signal) is terminated to cause the relay 34 in an ON position to hold the power."

The relay and relay control means of Uekusa therefore operate in an entirely different manner than those of the presently claimed invention. More specifically, the relay control means of Uekusa ensures that the relay remains in an ON position so that the belt retraction motor 18 continues to retract the seat belt for a certain duration of time after the ignition switch is switched off. The relay control means of Uekusa does not operate to ensure that a relay is in a power supply state only when a sensing means senses a high possibility of collision to therefore minimize the amount of time, and therefore the power consumption, of a seatbelt retraction device as does the relay control means of the present invention.

In view of the above remarks and amendments to claim 1, Uekusa does not teach each and every element of the present invention as recited in claim 1 as required by 35 U.S.C. 102(b). Therefore, it is respectfully requested that the Examiner's rejection of independent claim 1, as well as claims 4 and 7 that depend therefrom, under 35 U.S.C. 102(b) be withdrawn.

The Examiner's indication that claims 2, 3, 5 and 6 contain allowable subject matter is noted and appreciated. The Applicants assert that these claims are now allowable in view of the allowable condition of base independent claim 1 for the above-noted reasons.

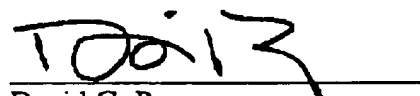
Serial No.10/800,723

Atty. Docket No.: 01-575

The Examiner should note that new independent claims 8 and 9 have been added. New claim 8 corresponds generally to a combination of original claims 1 and 2, and new claim 9 corresponds generally to a combination of original claims 1 and 3. Therefore, these claims are in allowable form based on the Examiner's indication that claims 2 and 3 contain allowable subject matter. It should be noted that all elements recited in new claims 8 and 9 are recited in non-means-plus-function format.

In view of the foregoing, Applicant respectfully submits that this application is in condition for allowance. If questions relating to patentability remain, the Examiner is invited to contact the undersigned by telephone. Please charge any unforeseen fees that may be due to Deposit Account No. 50-1147.

Respectfully submitted,



David G. Posz
Reg. No. 37,701

Posz Law Group, PLC
12040 South Lakes Drive, Suite 101
Reston, VA 20191
Phone 703-707-9110
Fax 703-707-9112
Customer No. 23400